



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
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WILLIAM T FUJIOKA
Chief Executive Officer

ADOPTED

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COUNTY OF LOS ANGELES

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April 7, 2009

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APRIL 7, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Sachi A. Hama
SACHI A. HAMA
EXECUTIVE OFFICER

Dear Supervisors:

**JOINT RECOMMENDATION FROM THE CHIEF EXECUTIVE OFFICER AND THE
DIRECTOR OF PUBLIC WORKS REGARDING EXECUTION OF A MEMORANDUM
OF UNDERSTANDING WITH INTERESTED PARTIES TO ESTABLISH A REGIONAL
WATER MANAGEMENT GROUP FOR THE ANTELOPE VALLEY REGION
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

SUBJECT

This action is to authorize the Chief Executive Officer or his designee and the Director of Public Works or her designee, respectively, to each execute a Memorandum of Understanding with interested parties to establish a new Regional Water Management Group, in accordance with Sections 10530 to 10541 of the California Water Code, for the Antelope Valley Integrated Regional Water Management Region to pursue grant funding for the Antelope Valley Region and facilitate implementation of the Antelope Valley Integrated Regional Water Management Plan, which is an advisory document required by the State Water Code. The Chief Executive Office would execute on behalf of the County of Los Angeles and the Director of Public Works would execute on behalf of the Los Angeles County Waterworks District No. 40, Antelope Valley.

IT IS RECOMMENDED THAT YOUR BOARD:

1. **Acting as the Board of Supervisors**, authorize the Chief Executive Officer, or his designee, to execute a Memorandum of Understanding on behalf of the County of Los Angeles with interested parties to establish and participate in a Regional Water Management Group, in accordance with Sections 10530 to 10541 of the California Water Code, for the Antelope Valley Integrated

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Regional Water Management Region; and designate the Acting Director of Regional Planning, or another appropriate County staff designee, to serve as the County representative on the Regional Water Management Group.

2. **Acting as the governing body of the Los Angeles County Waterworks District No. 40, Antelope Valley**, authorize the Director of Public Works, or her designee, to execute a Memorandum of Understanding on behalf of the Los Angeles County Waterworks District No. 40, Antelope Valley, with interested parties to establish and participate in a Regional Water Management Group, in accordance with Sections 10530 to 10541 of the California Water Code, for the Antelope Valley Integrated Regional Water Management Region.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to request your Board to authorize the Chief Executive Officer (CEO), or his designee, and the Director of Public Works, or her designee, to execute a Memorandum of Understanding (MOU) substantially similar to the attached MOU (Attachment A) between the County of Los Angeles; Los Angeles County Waterworks District No. 40, Antelope Valley (District); Antelope Valley-East Kern Water Agency; Palmdale Water District; Quartz Hill Water District; Littlerock Creek Irrigation District; Antelope Valley State Water Contractors Association; City of Palmdale; City of Lancaster; County Sanitation District Nos. 14 and 20 of Los Angeles County; and Rosamond Community Services District (Participants) to establish a new Regional Water Management Group (RWMG) for the Antelope Valley Region (Region), and to participate in the RWMG to pursue grant funding and facilitate implementation of the Integrated Regional Water Management Plan (IRWMP) for the Region. The MOU formally establishes the relationship between the Participants in order to qualify the Region to apply for State grant funds.

It is also recommended that the Board authorize the CEO to appoint the Acting Director of Regional Planning or another appropriate Department of Regional Planning staff member to serve as the County representative to the RWMG. A staff member from the Department of Regional Planning is currently the most appropriate County RWMG representative in order to ensure the coordination between the implementation of the IRWMP and the Department of Regional Planning's current program to update the Antelope Valley Area Plan and will also provide representation for the interests of the unincorporated communities/areas of the Antelope Valley. The Department of Regional Planning has had a presence as a stakeholder in the IRWMP program.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3) by utilizing collaborative efforts to implement projects, actively seeking grant funds to augment the County's funding sources, and increasing recreational opportunities and environmental benefits for the citizens of the County of Los Angeles.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The MOU has no funding obligation. The IRWMP is an advisory document and has no binding funding obligation on the County or the District.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On December 4, 2007, your Board adopted the IRWMP for the Region. The preparation and adoption of the IRWMP encouraged a new regional approach to water resource management through collaborative efforts within the Region. These efforts generated partnerships among the Participants who share common interests in the areas of flood protection, water supply, water quality, and the preservation of natural open space, and facilitated further joint efforts to secure funding for water resources projects.

State and Federal grant funding agencies have strongly endorsed the IRWMP concept to guide the awarding of grant funding. For example, Proposition 84 (approved by California voters in 2006) designates \$1 billion, including \$27 million for the Lahanton Region, which includes the Antelope Valley, in grant funding for regional water resources projects identified in the adopted IRWMP.

The MOU has been reviewed and approved as to form by County Counsel.

ENVIRONMENTAL DOCUMENTATION

Execution of the MOU to participate in the RWMG is not a project subject to the provisions of the California Environmental Quality Act Guidelines because it is an activity that is excluded from the definition of a project by Section 15378(b) of California Environmental Quality Act Guidelines. The proposed action is an administrative activity of government, which will not result in direct or indirect physical changes to the environment.

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IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no negative impact on current County services or projects. The execution of the MOU and participation in the RWMG will enhance the quality of life for the Antelope Valley Region's residents.

CONCLUSION

Please return two approved copies each of this letter to the CEO; Department of Public Works, Waterworks Division; and the Department of Regional Planning.

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer



GAIL FARBER
Director of Public Works

WTF:GF
LS:AA:lr:ib

Attachment

c: County Counsel
Department of Public Works
Department of Regional Planning

ATTACHMENT A

AGREEMENT ON THE IMPLEMENTATION OF THE INTEGRATED REGIONAL WATER MANAGEMENT PLAN

THIS AGREEMENT is made and entered into as of this ____ day of _____, 2009 by and between the Antelope Valley-East Kern Water Agency, Palmdale Water District, Quartz Hill Water District, Littlerock Creek Irrigation District, Antelope Valley State Water Contractors Association, ("Association"), City of Palmdale, City of Lancaster, County of Los Angeles, County Sanitation District No. 14 of Los Angeles County, County Sanitation District No. 20 of Los Angeles County, Rosamond Community Services District, and Los Angeles County Waterworks District No. 40, Antelope Valley, (collectively, the "parties"):

RECITALS

- A. On or about January 9, 2007, the parties entered into a Memorandum of Understanding for Integrated Regional Water Management Planning and Implementation ("MOU") under the California Water Code Division 6, Part 2.2, known as the *Integrated Regional Water Management Planning Act of 2002* (the "Act").
- B. The parties desire to engage the various stakeholder interests throughout the Antelope Valley in implementing the Integrated Regional Water Management Plan (IRWMP) through broad facilitated agreement.
- C. The parties desire to obtain grant or other funding to supplement the costs of implementing the IRWMP.

NOW, THEREFORE, the parties agree as follows:

1. The parties to this Agreement shall be known as and referred to as the Regional Water Management Group (RWMG). If approved by all parties, new entities may join the RWMG by adopting the IRWMP, executing this Agreement, agreeing to be bound by the terms hereof, and payment of such reasonable sums as the existing RWMG members shall determine.
2. Entities that are not members of the RWMG may contribute funding or in-kind services to support the activities of the RWMG without becoming signatories to this Agreement.
3. Each party shall designate a representative and an alternate to attend meetings, work with representatives of the other parties and to formulate

proposed actions by the RWMG. Any party may change designated representatives by notification to the other parties.

4. Representatives of the RWMG shall do the following:
 - a) Designate a person to serve as the central point of contact for the representatives of the RWMG and as chairperson at any meetings.
 - b) Hold public meetings for interested members of the public to meet, share ideas and discuss actions taken by the parties to implement the IRWMP. These meetings will be referred to as Stakeholder Meetings and people who attend these meetings may be referred to as the Stakeholder Group. The Stakeholder Group will be encouraged to participate in Stakeholder Meetings, advocate for regional projects, and disseminate information from the Stakeholders Meetings to the general public. In order to maintain effective meetings, the Stakeholder Group will follow a Code of Conduct at the Stakeholder Meetings to:
 - i. Participate fully.
 - ii. Treat others with dignity and respect.
 - iii. Consider new ideas and perspectives.
 - iv. Share accurate facts.
 - c) Promote regional cooperation among its members to implement the IRWMP.
 - d) Gather, compile, and manage data, as defined in the IRWMP.
 - e) Develop proposals for the voluntary funding of cooperative efforts to implement the IRWMP. The ideas and suggestions of the Stakeholder Group shall be considered in the development of such proposals.
 - f) Develop a list of short-term implementation objectives. The ideas and suggestions of the Stakeholder Group shall be considered in the development of such implementation objectives.
 - g) Prepare and/or disseminate to the RWMG progress reports and proposed updates to the IRWMP. This task may be delegated to the Advisory Team as defined below.
 - h) Identify and recommend to the governing bodies of the parties that applications be submitted for appropriate funding opportunities.
5. The parties shall designate one party, the Association, to solicit and administer one or more contracts ("Contracts"), with one or more third-party

consultants, to assist the RWMG to promote collaboration between members of the RWMG and other stakeholders during implementation of the Plan, prepare grant applications, update the IRWMP, and manage data collected consistent with the IRWMP on behalf of the RWMG. Any contract recommended by the Association shall be subject to the written approval of each party.

6. The parties shall establish a seven-member Advisory Team to the RWMG selected by the Stakeholder Group in the following manner:

a) The Stakeholder Group shall select seven members according to the following categories for staggered three-year terms¹.

- i. Agriculture (2010)
- ii. Conservation, Environmental, and Water Quality (2011)
- iii. Industry and Commerce (2009)
- iv. Municipalities (2010)
- v. Mutual Water Companies (2011)
- vi. Public/Land Owners/Rural Town Councils (2009)
- vii. Urban Water Suppliers (2010)

b) Nominations for each category can be made by any member of the Stakeholder Group and must be made during a Stakeholder Meeting.

c) If the person nominated is willing to serve on the Advisory Team as described, that person will be considered as a potential member by the Stakeholder Group.

d) Nominations for each open category will be discussed by the Stakeholder Group during a Stakeholder Meeting. If more than one qualified nomination is made per category, the Stakeholder Group shall choose one team member per category. Selections will be made by consensus. If a selection cannot be made by consensus, a selection will be made based on simple majority vote of the members at a meeting. Each Stakeholder Group member present may cast one vote per category.

e) If an Advisory Team position becomes vacant before the regularly-scheduled reselection year, the same selection process described in this section will be used to select a replacement.

¹ Members for each category will be reselected in the year shown and every three years thereafter.

- f) Advisory Team members may not designate an alternate.
 - g) Members of the Advisory Team shall use their best efforts to make decisions by consensus. If a consensus cannot be reached on a particular matter, a simple majority vote of the members present at a meeting at which a quorum is present will be sufficient to take action. A quorum shall be half the number of members plus one.
 - h) If the Stakeholder Group is not satisfied with the performance of one or more Advisory Team members, one or more members of the Stakeholder Group can request that the RWMG conduct a new nomination and selection cycle for the category (or categories) involved.
7. The parties will delegate the following tasks to the Advisory Team:
- a) Schedule and facilitate Stakeholder Meetings
 - b) Draft agendas and prepare minutes for the Stakeholder Meetings
 - c) Distribute information to the Stakeholder Group
 - d) Develop a list of short-term implementation objectives for consideration and approval by the RWMG and Stakeholder Group.
 - e) Maintain a list of long-term implementation objectives for the RWMG to address and update at Stakeholder Meetings.
 - f) Recommend an annual scope and budget to the RWMG
 - g) Maintain the AVIRWMP website
 - h) Identify grant opportunities for the RWMG or its members to apply for
 - i) Review and edit grant applications submitted by the RWMG
 - j) Designate a single point of contact for all AVIRWM efforts
 - k) Recommend options to the RWMG to consider for establishing a long-term governance structure for integrated regional water management in the Antelope Valley
8. The parties shall designate a lead applicant for the RWMG for grant programs that require regional collaboration to contract with and receive funds from the granting agency, invoice the granting agency, fulfill the administrative responsibilities of the grant contract, and distribute the funds received from the granting agency to the specific project sponsors, subject to the written approval of each party. A party's (or parties') failure to approve a grant

application shall not prevent other parties from seeking that grant application on their own behalf.

9. Each party shall provide and share with other parties, all necessary and relevant information, data, studies, and/or documentation in its possession as necessary to further the purposes of this Agreement. To the extent allowed by law, the parties may enter into confidentiality agreements to maintain the confidentiality of any documents that are exempt from disclosure under the California Public Records Act or otherwise privileged and confidential.
10. Each party shall review and comment on draft and final versions of technical reports, grant applications, and revisions or addendums to the IRWMP within twenty-one (21) calendar days from the date of receipt of those documents from their representative.
11. Each party shall consider for adoption final versions of IRWMP revisions or addendums within forty-five (45) calendar days from the date of receipt of the document.
12. Consistent with their powers and purposes, each party shall work together in a spirit of cooperation, collaboration, and mutual respect, with the overall goal of bringing the highest possible benefit for the Antelope Valley as a hydrologic region.
13. This Agreement shall be executed in duplicate originals, one for each Party, each of which duplicate original shall be deemed to be an original, but all of which shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed by their respective officers, duly authorized, by ANTELOPE VALLEY-EAST KERN WATER AGENCY;

ANTELOPE VALLEY-EAST KERN WATER AGENCY

BY

APPROVED AS TO FORM:

By
Legal Counsel

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed by their respective officers, duly authorized, by Palmdale Water District;

PALMDALE WATER DISTRICT

By
General Manager

APPROVED AS TO FORM:

By
Legal Counsel --

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed by their respective officers, duly authorized, by Quartz Hill Water District;

QUARTZ HILL WATER DISTRICT

By: Allen Flick, Sr.
Board President

APPROVED AS TO FORM:

By: Brad Weeks, Esq.,
Legal Counsel

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed by their respective officers, duly authorized, by Littlerock Creek Irrigation District;

LITTLE ROCK CREEK IRRIGATION DISTRICT

By: _____

APPROVED AS TO FORM:

By
Legal Counsel

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed by their respective officers, duly authorized, by ANTELOPE VALLEY STATE WATER CONTRACTORS ASSOCIATION;

**ANTELOPE VALLEY STATE WATER
CONTRACTORS ASSOCIATION**

By:

APPROVED AS TO FORM:

By:
Legal Counsel

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed by their respective officers, duly authorized, by City of Palmdale;

CITY OF PALMDALE

By

APPROVED AS TO FORM:

By: Wm. Matthew Ditzhazy,
City Attorney

Attest:

By: Victoria . Hancock, CMC
City Clerk

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed by their respective officers, duly authorized, by CITY OF LANCASTER;

CITY OF LANCASTER

By:

APPROVED AS TO FORM

By:

Attest:

City Clerk

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed by their respective officers, duly authorized, by County Sanitation District No. 14 of Los Angeles;

**COUNTY SANITATION DISTRICT NO. 14
OF LOS ANGELES COUNTY**

By:

ATTEST:

By:

APPROVED AS TO FORM:

By: Lewis, Brisbois, Bisgaard, and Smith LLP
District Counsel

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed by their respective officers, duly authorized, by County Sanitation District No. 20 of Los Angeles;

**COUNTY SANITATION DISTRICT NO. 20
OF LOS ANGELES**

ATTEST:

APPROVED AS TO FORM:

By: Lewis, Brisbois, Bisgaard, and Smith LLP
District Counsel

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed by their respective officers, duly authorized, by ROSAMOND COMMUNITY SERVICES DISTRICT;

**ROSAMOND COMMUNITY SERVICES
DISTRICT**

By:

APPROVED AS TO FORM:

By:

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed by their respective officers, duly authorized, by COUNTY OF LOS ANGELES:

COUNTY OF LOS ANGELES

By

APPROVED AS TO FORM:

By

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed by their respective officers, duly authorized, by DISTRICT.
DISTRICT:

**LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40**

By

APPROVED AS TO FORM:

By